

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DENISE M. GARY,**

**Plaintiff,**

**vs.**

**CIVIL NO. 6:10-cv-978-WDS**

**MICHAEL J. ASTRUE,  
Commissioner,  
Social Security Administration,**

**Defendant.**

**ORDER**

Before the Court is the parties' Agreed Motion To Reverse and Remand to the Commissioner ("Defendant") for further administrative proceedings before an Administrative Law Judge (ALJ) (Doc. 15). The Commissioner will remand this case to an ALJ to develop the record, hold another hearing, and issue a new decision. The ALJ will consider and explain the weight given to all the opinions of Kelly Finch, M.D., and Louis Wynne, Ph.D. The ALJ will also consider Plaintiff's maximum residual functional capacity, including any nonexertional limitations attributable to both mental and physical impairments. Finally, the ALJ will elicit vocational expert evidence to determine the effect of Plaintiff's additional limitations on the occupational base for sedentary work and whether Plaintiff is capable of performing other work existing in significant numbers in the national economy.

Upon examination of the merits of this case, the Court hereby grants this Motion and orders that this case be reversed and remanded to the Commissioner for further administrative action pursuant to sentence 4 of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

THUS DONE AND SIGNED on this 26<sup>th</sup> day of May, 2011.



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W. DANIEL SCHNEIDER  
United States Magistrate Judge

Submitted and approved by:

Electronically submitted 5/19/11

MANUEL LUCERO  
Assistant United States Attorney  
Attorney for Defendant

Telephonic approval received 5/19/11

MICHAEL LIEBMAN  
Attorney for Plaintiff